

FOR PTO-4390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER
CNST-3610TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (if known see 37 CFR 1.5)

10/594873INTERNATIONAL APPLICATION NO.
PCT/US2005/010556INTERNATIONAL FILING DATE
30 March 2005 (30.03.2005)PRIORITY DATE CLAIMED
01 April 2004 (01.04.2004) and 28 March
2005 (28.03.2005)TITLE OF INVENTION **HOT-FILL BOTTLE HAVING FLEXIBLE PORTIONS**APPLICANT(S) FOR DO/EO/US **Monis Bangi and Michael R. Mooney**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9), and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☒ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) 35 U.S.C. 371(c)(4). (**unexecuted**)
10. ☐ An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13^{ter}.2 and 37 CFR 1.182-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
 - a copy of form PCT/IB/308;
 - a copy of the International Search Report;
 - a copy of the Written Opinion;
 - a return postcard.

EV427088863USEXPRESS MAIL Mailing Label No. EV 427088863 US
Date of Deposit: September 28, 2006

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid IMB control number.

U.S. APPLICATION NO. 10/594 873				INTERNATIONAL APPLICATION NO. PCT/US2005/010556		ATTORNEY DOCKET NUMBER CNST-3610	
The following fees are submitted:							
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))				\$300		\$300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))						\$	
If written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)							
				\$0.00		\$200.00	
All other situations				\$200			
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))							
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)				\$0			
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority				\$100		\$100.00	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB				\$400			
All other situations				\$500			
TOTAL of 21, 22 and 23 =						\$600.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE			
23- 100 =	0/50 =	0		X \$250		\$0	
Surcharge of \$130.00 for furnishing any of the search fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).						\$	
Claims	Number Filed	Number Extra	Rate				
Total claims	25- 20 =	5	X \$50		\$250.00		
Independent Claims	3- 3 =	0	X \$200		\$0		
Multiple dependent claims(s) (if applicable)			+ \$360		\$0		
TOTAL OF ABOVE CALCULATIONS =						\$850.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.						\$	
SUBTOTAL =						\$850.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).						\$	
TOTAL NATIONAL FEE =						\$850.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +							
TOTAL FEES ENCLOSED =						\$850.00	
						Amount to be:	\$
						refunded	
						Amount to be	\$
						charged	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid IMB control number.

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- a. ☐ A check in the amount of \$ _____ to cover the above fee is enclosed.
- b. ☒ Please charge my Deposit Account No. 23-3050 in the amount of **\$850.00** to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-3050. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Dale M. Heist
Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103
(215) 568-3100


SIGNATURE

Patrick J. Farley
NAME

42,524
REGISTRATION NUMBER